



IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **SUZUKI, Kanako, et al.**

Group Art Unit: **1609**

Serial No.: **10/505,171**

Examiner: **HIBBERT, Catherine S.**

Filed: **August 31, 2004**

P.T.O. Confirmation No.: 5261

For: **MODIFIED PROMOTER**

RESPONSE TO THE 31 DAY RESTRICTION REQUIREMENT
DATED February 20, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 23, 2007

Sir:

This paper is submitted in response to the Official Action dated **February 20, 2007**, having a 31 day shortened statutory period for response expiring on March 23, 2007.

In the Action, restriction is required between Group (I), Claims 1-12 and 15-19; and Group (II), Claims 13-14.

Applicants hereby elect the subject matter of **Group (I), Claims 1-12 and 15-19**, drawn to a modified promoter, constructed by inserting a first DNA fragment and a second DNA fragment into a promoter capable of functioning in a filamentous fungus, for prosecution in this application. Further, applicants elect “at the 3'-end side that is downstream to a SRE region existing in the promoter region” as to Claim 7, and “SEQ ID No. 4” as to Claims 3-5. This election is made without traverse, it being understood that the applicants' rights to the filing of a divisional application directed to the non-elected subject matter under 35 USC 120 and 35 USC 121

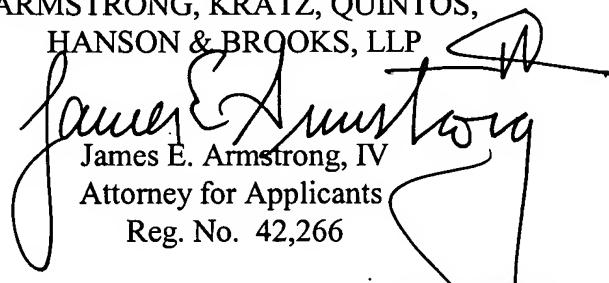
are retained.

In the event that this paper is not timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 01-2340.

In the event any additional fees are required in connection with this response, please charge our Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,
HANSON & BROOKS, LLP



James E. Armstrong, IV
Attorney for Applicants
Reg. No. 42,266



23850

PATENT TRADEMARK OFFICE

JAM/rk
Atty. Docket No. **040432**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930